

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

SIDNEY A. WORTHEN,

Plaintiff,

vs.

WILLIAM HULL et al.,

Defendants.

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No. CIV-04-976-W

ORDER

On June 10, 2005, plaintiff Sidney A. Worthen filed a Request for Judicial Notice and Order wherein he complained about the defendants' failure to deliver to him a pair of prescription eyeglasses purchased from Dean A. McGee Optical Services on March 29, 2005. Thereafter, in a letter dated June 21, 2005, Worthen advised defense counsel Stefan Doughty that the "eyeglasses referred to in the Request for Judicial Notice [and] Order were . . . delivered . . . on June 20, 2005"

On July 29, 2005, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended in light of the Worthen's letter of June 21, 2005, that the Court deem moot and dismiss Worthen's Request for Judicial Notice and Order. Worthen was advised of his right to object to the Report and Recommendation, and he has timely filed an Objection to the same.

Upon de novo review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of this matter. The sole issue¹ before the Court is the

¹In his Objection, Worthen has complained about his need for a pair of prescription sunglasses, allegedly deficient medical care and alleged retaliation. As stated, the sole issue before the Court is the defendants' failure to deliver the pair of prescription eyeglasses purchased on March 29, 2005. Accordingly, the Court has not considered these other issues.

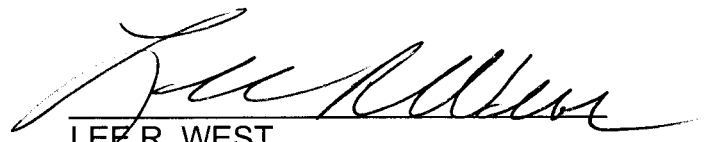
defendants' failure to deliver a pair of prescription eyeglasses purchased on March 29, 2005. Delivery has now been accomplished, and the Court finds the issue is therefore moot.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 36] filed on July 29, 2005; and

(2) deems MOOT and DISMISSES Worthen's Request for Judicial Notice and Order file-stamped June 10, 2005.

ENTERED this 8th day of September, 2005.


LEE R. WEST
UNITED STATES DISTRICT JUDGE